

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEON AKSELRAD,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al,	:	
Defendants.	:	NO. 96-CV-5192

MEMORANDUM AND ORDER

J. M. KELLY, J.

April 30, 1998

Presently before the Court is Plaintiff Leon Akselrad's (1) Motion of Objection to Pay Costs and Disbursements to Defendants City of Philadelphia (Document No. 71); and (2) Motion for A One Day Hearing, Narrow in Scope and If Hearing is Denied a Copy of the Transcript Under Forma Pauperis For Purpose of Appeal (Document No. 78).

On January 26, 1998, after Akselrad presented his case-in-chief, this Court granted the City's Motion for Judgment on Partial Findings. That ruling is currently on appeal before the Court of Appeals for the Third Circuit.

Akselrad's "Objection to Pay Costs and Disbursements to Defendant City of Philadelphia" is premature. The City's memorandum of costs is currently pending before the Clerk of Court. Local Rule of Civil Procedure 54.1(b) provides:

All bills of costs requiring taxation shall be taxed by the Clerk, subject to an appeal to the Court. Any party appellant shall, within five (5) days after notice of such taxation, file a written specification of the items objected to and the grounds of objection.

Local Rule of Civil Procedure 54.1(b).

Akselrad's request for a hearing is meritless. He requests the hearing so that he can present evidence that was not presented at trial. Akselrad cannot supplement the trial record at this stage.

Akselrad's request for a trial transcript is also meritless. As stated in this Court's January 26, 1998, Memorandum, a litigant seeking a transcript at public cost must establish: (1) in forma pauperis status; and (2) the appeal for which the transcript is sought is not frivolous. 28 U.S.C. § 753(f)¹; See Walker v. People Express Airlines, Inc., 886 F.2d 598, 602 n.5 (3d Cir. 1989).

Regardless of whether Akselrad qualifies for in forma pauperis status, he is not entitled to a copy of the trial transcript at public cost. Despite numerous post-trial motions, Akselrad has not pointed out a substantial question that may be raised on appeal.

¹ 28 U.S.C. § 753(f) provides:

Fees for transcripts furnished . . . to persons permitted to appeal in forma pauperis shall . . . be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).

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CITY OF PHILADELPHIA, et al,	:	
Defendants.	:	NO. 96-CV-5192

ORDER

AND NOW, this 30th day of April, 1998, after consideration of Plaintiff's (1) Motion of Objection to Pay Costs and Disbursements to Defendants City of Philadelphia (Document No. 71); and (2) Motion for A One Day Hearing, Narrow in Scope and If Hearing is Denied a Copy of the Transcript Under Forma Pauperis For Purpose of Appeal (Document No. 78), and the responses thereto, it is ORDERED:

1. Plaintiff's Motion of Objection to Pay Costs and Disbursements to Defendants City of Philadelphia is DENIED;
2. Plaintiff's Motion for A One Day Hearing, Narrow in Scope and If Hearing is Denied a Copy of the Transcript Under Forma Pauperis For Purpose of Appeal is DENIED.

BY THE COURT:

JAMES MCGIRR KELLY, J.